Inputs from Member States and Regional Patent Offices to the Thirty-Eighth Session of the Standing Committee on the Law of Patents

Respondent Information

First Name:

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Last Name:

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Country:

Belarus

IP Office

National Center of Intellectual Property (NCIP)

Job title

Specalist, Protocol and International Cooperation Department

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Disclaimer:

The information provided in response to this questionnaire is understood to be submitted on behalf of the Member State or regional organization concerned, through its competent authority and in accordance with its applicable official internal procedures.
It is assumed that the person completing and submitting the questionnaire is duly authorized to do so and that the information reflects the official position or practice of the Member State or organization, to the extent possible.

I confirm that I have read and understood the statement above and that I agree with its contents.

i) Study on the determination of inventorship and conditions of foreign filing, with a view to identifying potential challenges for innovators in the cross-border collaborative environment

1. Which of the following does the applicable legal framework in your jurisdiction require before a patent application can be filed in another country or at a regional patent organization?

'First filing' or first domestic filing requirement (FDFR)

2. Please list the statutes or guidance documents that patent applicants in your country can consult to inform themselves of the foreign filing requirements and the procedure to follow.

Patent applicants may consult the following national legislation:
1. Law of the Republic of Belarus No. 160-Z of December 16, 2002 "On Patents for Inventions, Utility Models, and Industrial Designs";
2. Regulation of the Council of Ministers of the Republic of Belarus No. 900 of July 2, 2003 "On Approval of the Regulation on Secret Inventions and Utility Models".

3. Please list the most important case law on foreign filing conditionality requirements, if any, with a brief summary of the main findings.

Not applicable.

Do you have a digital copy of the case law that you could upload?

No

Please provide below the exact citation of the case law, or provide an online link to the case law.

No significant case law has been identified.

4. What specific criteria will trigger the Foreign Filing Conditionality?

Impact on the country's national security or national defense;
Nationality or residency of the applicant;

5. Does your law allow for a deemed license or automatic approval, if the Office does not act or respond within a specific time period?

Yes

What is that period?

Time period: Three months from the filing date.

6. Does your jurisdiction's patent law provide for the imposition of a "Secrecy Order" (or other similar national security restrictions) that prohibits or restricts an applicant from filing for patent protection in other jurisdictions?

Yes

What is the nature/impact of this restriction regarding foreign filing?

The authorized body (other than the patent office) shall impose a restriction on the disclosure and/or provision of information contained in the application and, within five days of adopting such a decision, shall forward it (the restriction) to the patent office accompanied by the application for a secret invention, utility model, and shall also provide a correspondence address and the name of the recipient (addressee).

7. Please cite, if available, any official studies, policy documents, or reports which highlight the working of the foreign filing requirements in your jurisdiction.

No official studies, policy documents, or reports addressing foreign filing requirements in this jurisdiction have been identified.

Final review before submission

Confirmation of submission

I am aware that by clicking "Submit" below, my responses will be sent to the SCP Secretariat.